

REMARKS

On pages 2 and 3, the Examiner explained what is needed for a priority claim under 35 U.S.C. 120. This is a PCT application and priority claim aspects are included in that system. Pursuant to telephone conversations with Mr. Woodall on 12 and 18 September 2006, nothing is presently required by Applicant with regard to priority from the originally filed foreign application.

As to the Abstract, Applicant firmly believes it is proper in all respects and fully complies with 37 CFR 1.72(b). However, in case there is any offending language, the last sentence of the Abstract has been deleted.

As to the drawing, reference to Figs. 1 and 2 clearly reveal all elements specified in the claims. There is a tapered cavity 5, with slots 9 connecting the cavity interior “with the outside.” This structure is explicitly and clearly described in the specification, and that description can be found in the summary at the top of page 3, and on page 6, starting at the fifth paragraph of the detailed description. No drawing correction is necessary.

Claim 35 has been rejected under 35 U.S.C. 112, 2nd paragraph, as indefinite. This claim has been amended in an effort to overcome this ground of rejection.

Claims 11-26 and 30-34 have been rejected under 35 U.S.C. 103(a) as obvious over Moore patent 6,402,757 in view of Brånemark patent 5,171,284; and claims 27-29 have been rejected under 35 U.S.C. 103(a) as obvious over Moore in view of Brånemark and further in view of Guedj patent 5,871,356. Applicant respectfully traverses these grounds of rejection and requests reconsideration for the reasons advanced below.

The Obviousness Rejection of Claims 11-26 and 30-34

Claim 11 includes, in the last three lines, the words: “radially outermost part of said trailing slot wall defines an angle α with the radial direction and slopes obliquely forwardly from within and outwardly in said direction of rotation.”

In Moore slots 32 lean in the axial (not radial) direction. Stated in a complementary way, slots 32 of Moore are indentations in the threaded surface and do not obliquely traverse from inside to outside, as defined in claim 1. This is something completely different. The trailing wall of slot 32 does not slope forwardly from within and outwardly in the direction of rotation. On the contrary it slopes in the other direction creating an obtuse cutting edge, which results in an effect that is

contrary to the present invention. Thus, Moore not only fails to disclose this feature, it teaches away from the claimed invention.

Further, claim 11 calls for “a generally cylindrical anchoring portion forward with an insertion end and having an external screw thread.” Moore clearly has a screw thread which is tapered throughout its length and is so shaped to enable the fastener to be self-tapping. Additionally, claim 11 defines “a number of through-penetrating slots extending from said insertion end, wherein each slot connects the cavity with the outside of said anchoring portion.” Moore has linearly angular slots on the threaded surface which do not connect any such cavity with the outside. Further, Moore has no such cavity but has only a bore which is configured to accommodate guide wire 70 and has nothing to do with facilitating the insertion of the fastener, which is a function of Applicants slot/cavity/threaded insertion end structure.

Brånemark fails to supply the structure not shown or suggested by Moore. This reference also has a tapered end and it has linear slots opening into the central opening. These slots provide cutting edges, as shown in Fig. 5. However, the slots have no angle with respect to a radius of the fastener-- they are open from the outside to the inside in a purely radial orientation. Claim 11 calls for an angle α for the purposes fully spelled out in the application.

Thus, there is no showing or suggestion in Moore and Brånemark of the structure defined by claim 11.

Claims 12-26 and 30-34 depend from claim 11 and are believed to be allowable at least for the same reasons as is claim 11.

The Obviousness Rejection of Claims 27-29

Guedj has been combined with Moore and Brånemark in the rejections of these claims. However, Guedj fails to supply the limitations of claim 11, which are missing in the two references previously discussed, and these three claims depend from claim 11. They are, therefore, believed to be patentable at least for the same reasons as is claim 11.

CONCLUSION

In view of the above discussion, it is believed all of the claims in this application are patentable and reconsideration is requested. Should any issues remain unresolved, Examiner Woodall is invited to telephone the undersigned attorney. The Commissioner is hereby authorized to charge any fees that arise in connection with this filing which are not covered by the money enclosed, or credit any overpayment, to Deposit Account No. 02-0460.

Respectfully submitted,

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